

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Joseph M. Sholder SBN 126347 Felicitia A. Torres, SBN 298630 Griffith & Thornburgh, LLP 8 E. Figueroa Street, Suite 300 Santa Barbara, CA 93101 Phone: (805) 965-5131 Fax: (805) 965-6751 Email: sholder@g-tlaw.com; torres@g-tlaw.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Ch. 7 Trustee Sandra K. McBeth	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION	
In re: BERND SCHAEFERS Debtor(s).	CASE NO.: 9:19-bk-11163-MB CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: December 16, 2020	Time: 11:30 a.m. .
Location: 1415 State Street, Santa Barbara, CA	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** December 2, 2020

Description of property to be sold: _____
The interests subject to this potential sale are the Compromise or Sale of the Patent and As-Yet Unasserted Claims as described in the Motion filed concurrently herewith.

Terms and conditions of sale: See attached.

Proposed sale price: See attached.

Overbid procedure (if any): See attached.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

United States Bankruptcy Court

1415 State Street, Santa Barbara, CA 93101

December 16, 2020

11:30 a.m.

Courtroom 201

*** Due to the COVID-19 public health emergency, the courtroom will be closed to the public and the hearing will be held via ZoomGov, which provides both audio and video access. All parties and members of the public may connect to the hearing free of charge. ZoomGov connection information for this hearing will be posted on the Court's public calendar for Judge Barash, accessible on the court's website:**

<http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Sandra K. McBeth, Ch. 7 Trustee

7343 El Camino Real #185

Atascadero, CA 93422

Telephone: (805) 464-2959; Fax: (805) 357-5905

Street Address:

7305 Morro Road, Suite 206

Atascadero, CA 93422

email: smcbeth@mcbethlegal.com

Date: November 4, 2020

Proposed Sale of Property Description
And Overbid Procedures

The proposed sale of the Property is subject to higher and better offers being received and accepted by the Trustee prior to the scheduled hearing on this motion. Any party wishing to overbid shall deposit a cashier's check for \$112,500, (the amount of the deposit made by Korman) made payable to "Sandra K. McBeth, chapter 7 trustee" and sent to the Trustee's counsel Joseph M Sholder at 8 East Figueroa Street, Third Floor, Santa Barbara, CA, 93101. The deposit check must be received by the Trustee's counsel no later than 5:00 p.m. PST five (5) business days prior to the hearing, ie. December 9, 2020 (the "Bid Qualification Deadline"). Moreover, any party wishing to overbid also shall provide the Trustee's counsel, by the Bid Qualification Deadline, with sufficient evidence to establish that it will be able to close if it is the successful bidder and its bid is approved by the Court. Blizzard is exempt from these requirements because it has the right to credit bid the amount of its secured claim pursuant to 11 U.S.C. § 363(k). Interested parties other than Blizzard who do not comply with these requirements will not be permitted to bid at the sale. The initial minimum overbid will be \$15,000. Subsequent overbids will be in minimum increments of \$5,000. All other terms of the sale shall be upon the same terms and conditions as the proposed sale to Korman described in Exhibit 2 to the Motion for Compromise filed concurrently herewith.

If one or more qualified overbids are received by the Bid Qualification Deadline, an auction of the Property shall be held on the date and time that is scheduled for the hearing on approval of this motion per the Court's instructions for the hearing due to COVID-19 considerations. At the conclusion of the auction, the Trustee will ask the court to confirm the results of the auction and to approve the sale of the Property to the highest bidder.

The successful bidder at the auction shall open escrow within three business days following the hearing on this motion and the approval of this motion by the court. The \$112,500 cashier's check referenced above shall be forfeited by the successful bidder if escrow has not opened as set forth above or the sale does not close within fifteen days of the entry of an order by the court approving this sale through no fault of the Trustee. Moreover, in the event of forfeiture or an inability to close by the successful bidder, the Trustee shall be entitled to sell the Property to the next highest bidder at the auction, without further notice or order of the Court, provided such sale (other than the purchase price) is upon the same terms and conditions as the proposed sale to Korman as set forth in Exhibit 2 to the motion.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
8 E. Figueroa Street, Suite 300, Santa Barbara, CA 93101

A true and correct copy of the foregoing document entitled (*specify*): **Notice of Sale of Estate Property form**
(re compromise motion)

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **Nov. 4, 2020**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

William C Beall will@beallandburkhardt.com, carissa@beallandburkhardt.com
Greg P Campbell ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com
Brian D Fittipaldi brian.fittipaldi@usdoj.gov
Carissa N Horowitz carissa@beallandburkhardt.com, artyc@aol.com;castlesb@aol.com
Sandra McBeth (TR) jwalker@mcbethlegal.com, CA65@ecfbis.com;ecf.alert+McBeth@titlexi.com
Joseph M Sholder sholder@g-tlaw.com
Valerie Smith claims@recoverycorp.com
Felicitia A Torres torres@g-tlaw.com
United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov
Christian J Younger christian@youngerlawsb.com, youngercr88474@notify.bestcase.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **Nov. 4, 2020**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jacqueline Vitti Frederick
Law Ofcs of Jacqueline Vitti Frederick
267 W Tefft St Ste B
Nipomo, CA 93444

Bernd Schaefer
202 Monte Cristo Place
Cambria, CA 93428

Nathan Korman
c/o Joe McCorkell
Sotheby's International Realty
8 W. Victoria Avenue
Santa Barbara, CA 93101

Jodi Neal
BHHS-California Properties

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

1170 Coast Village Road
Santa Barbara, CA 93108

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) , 2020, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Nov. 4, 2020
Date

Evelyn R. Downs
Printed Name


Signature